

UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

In Re: Grand Jury Subpoena:
GRAND JURY SUBPOENA, No. R91-071

UNITED STATES OF AMERICA,
Plaintiff-Appellee.

and

No. 94-5463

UNDER SEAL,
Plaintiff-Appellee.

v.

UNDER SEAL,
Defendant-Appellant.

Appeal from the United States District Court
for the Eastern District of Virginia, at Richmond.
James R. Spencer, District Judge.
(CR-93-28-A-R)

Argued: February 3, 1995

Decided: June 3, 1996

Before HAMILTON and LUTTIG, Circuit Judges, and BUTZNER,
Senior Circuit Judge.

Vacated and remanded by unpublished per curiam opinion.

COUNSEL

ARGUED: Thomas P. Vartanian, FRIED, FRANK, HARRIS,
SHRIVER & JACOBSON, Washington, D.C., for Appellant. Roger

William Frydrychowski, Assistant United States Attorney, Richmond, Virginia; Clarence Mosley Dunnaville, HILL, TUCKER & MARSH, Richmond, Virginia, for Appellees. **ON BRIEF:** Jack B. Gordon, Bruce J. Casino, FRIED, FRANK, HARRIS, SHRIVER & JACOBSON, Washington, D.C., for Appellant. Helen F. Fahey, United States Attorney, Richmond, Virginia; Jack B. Patrick, Trial Attorney, Fraud Section, Criminal Division, UNITED STATES DEPARTMENT OF JUSTICE, Washington, D.C., for Appellees.

Unpublished opinions are not binding precedent in this circuit. See Local Rule 36(c).

OPINION

PER CURIAM:

Appellant challenges the district court's order concerning his motion to remedy and restrict disclosure of information revealed before a federal grand jury. We held disposition of this case in abeyance pending decision in Finn v. Schiller, No. 94-2373 (Jan. 3, 1996). Under Finn, although a district court has the authority to enter an appropriate order of civil or criminal contempt in response to notification of such a violation of Federal Rule of Criminal Procedure 6(e), there is no private cause of action under the Rule. Therefore, on the authority of Finn, we vacate the district court's order decided on the merits of appellant's Rule 6(e) motion, and remand for further proceedings consistent with that opinion.

VACATED AND REMANDED